

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

FILED
STATESVILLE, N.C.

FEB 8 2007

U.S. DISTRICT COURT
W. DIST. OF NC

R.J. Reynolds Tobacco Company,)
vs.)
Plaintiff,) 5:05CV253
vs.)
Market Basket Food Stores, Inc., et al.,)
Defendants.)
Hon. Richard L. Voorhees

**AGREED ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANTS DANIEL BLACKBURN AND RONALD CLARK**

The Court considered the respective Joint Motions to Dismiss of Plaintiff R.J. Reynolds Tobacco Company (hereinafter "RJRT") and Defendants Daniel Blackburn and Ronald Clark brought under Federal Rule of Civil Procedure 41(a)(2), and acknowledges that all matters among and between those parties which were or could have been asserted in the above-referenced lawsuit have been resolved by respective agreements between them.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all causes of action or claims asserted by RJRT against Daniel Blackburn and Ronald Clark in the above-referenced lawsuit, or which could have been asserted by RJRT against those parties, or vice versa, are dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this order does not dismiss RJRT's claims against the remaining Defendants in this action, all such claims being expressly reserved by RJRT.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as between RJRT and Defendants Daniel Blackburn and Ronald Clark, each party shall be responsible for their respective legal fees and court costs.

This 7th day of February, 2007



Richard L. Voorhees
United States District Judge